

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAMES DILLON,)	
)	
Plaintiff,)	
)	
v.)	1:13-CV-897
)	
BMO HARRIS BANK, N.A., et al.,)	
)	
Defendants.)	

SCHEDULING ORDER

Plaintiff James Dillon (“plaintiff”) and defendants BMO Harris Bank, N.A., Bay Cities Bank, and Generations Federal Credit Union have filed a joint motion to set a stipulated briefing schedule and for leave to submit additional pages in connection with the defendants’ renewed requests for arbitration. The Court will grant the motion in part. While the Court will grant a limited expansion of the page limits, the Court does not find good cause for a 33% increase.

It is hereby **ORDERED** that:

1. The defendants will file renewed arbitration motions on or before July 15, 2015; the plaintiff will file oppositions to the renewed motions on or before August 14, 2015; and the defendants will file reply briefs on or before September 4, 2015.

2. In view of the parties’ request to file new motions and briefing, the Court will not consider the briefs filed in 2014. No party may adopt by reference an argument made in any brief filed in 2014.

3. The Court will consider the evidence filed in 2014 and directs that the parties shall not refile evidence already part of the record. If a party relies on evidence already of record, the party shall specifically identify the evidence in its brief by description (i.e., Affidavit of Jane Doe) and by CM-ECF Docket number. Any additional evidence shall be filed by the defendants with their renewed motions and any additional evidence shall be filed by the plaintiff with his brief in opposition.

4. These dates are without prejudice to any party seeking leave to take any arbitration-related discovery and any extension of the briefing necessitated by the time necessary to conduct the discovery. The Court does not encourage such requests and requires that they be made promptly.

5. These dates are without prejudice to a request by the plaintiff for an extension should he file a motion to file an amended complaint. Any such motion shall be filed within thirty days of the date of this Order.

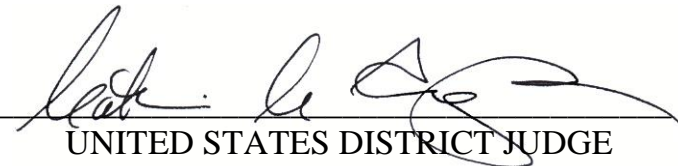
6. Page limits are extended as follows: (i) Each defendant may submit an opening brief of up to 23 pages in support of its renewed arbitration motion; (ii) the plaintiff may submit opposition briefs specific to each defendant of up to 23 pages each or one brief addressing all defense motions of up to thirty-five pages; and (iii) each defendant may submit a reply brief of up to 12 pages. If a litigant adopts an argument made in another brief, the pages spent on that argument in the adopted brief shall count against the page limit for the adopting brief. The Court encourages the parties to refrain

from using words or phrases which do little more than express counsel's opinion, such as "clearly," "plainly," "obviously," and the like.

7. All statements of fact in any brief shall be followed by a citation to evidence of record to support the factual claim. All such citations must be document and page specific and, for references to evidence already on file, shall include the CM-ECF docket number.

8. Except as specifically modified herein, all other requirements of the Local Rules remain in place and will be enforced. The parties may wish to review the Court's October 17, 2014, order in *Wilson v. Citizens Insurance*, 13cv470, available on the court website.

This the 30th day of June, 2015.


UNITED STATES DISTRICT JUDGE